

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07CV85-1-MU

DONNIE JERMAINE FARRAR,

Petitioner,

v.

ANTHONY HATHAWAY,III,

Respondent.

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ORDER

THIS MATTER comes before the Court upon Petitioner's Motion for Reconsideration, filed March 7, 2007.

On February 20, 2007, Petitioner filed a federal habeas petition. After conducting an initial review this Court determined that Petitioner had not exhausted his state court remedies and dismissed Petitioner's federal habeas petition without prejudice.

Petitioner has now asked this Court to reconsider it's earlier ruling. Petitioner asserts that as he has not received a ruling from the North Carolina Supreme Court on his motion he filed on December 18, 2006, his exhaustion requirement should be excused. A three month delay in ruling on a motion is not excessive and certainly does not allow for excusing a petitioner's exhaustion requirement. In addition, Petitioner asserts that the MAR court never informed him that he could appeal the denial of his MAR. This assertion does not excuse exhaustion.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion for
Reconsideration is **DENIED**.

Signed: April 30, 2007

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

